THE HON'BLE SRI BILAL NAZKI,
THE ACTING CHIEF JUSTICE
AND
THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT APPEAL No.1055 of 2007

Dated: 17-12-2007

Between:

1.The A.P.Housing Board,
Rep. by its Vice Chairman and Housing Commissioner,
Hyderabad, and 3 others.

.... Appellants

AND

1.P.Govinda Raja and 24 others.

.....Respondents

THE HON'BLE SRI BILAL NAZKI,
THE ACTING CHIEF JUSTICE
AND
THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT APPEAL No.1055 of 2007

Dated: 17-12-2007

Judgment: **(Per Hon'ble Sri Bilal Nazki, The Acting Chief Justice)**

This Writ Appeal has been filed by the respondents-appellants aggrieved by an interim order dated 08.10.2007, passed by a learned single Judge of this Court in WPMP.No.27500 of 2007 in W.P.No.21202 of 2007.

For the sake of convenience, the parties shall be hereinafter referred to as arrayed in the Writ Petition.

The writ petitioners were retrenched from service on 10th April, 2005 under a Golden Shake Hand Scheme and they were paid substantial amounts. Subsequently, the Government passed a GO being G.O.Ms.No.213, dated 27-08-2005 revising the pay scales with effect from 1st July, 2003. The writ petitioners filed a representation dated 23-11-2006, before the respondents-authorities seeking refixation of their pay in terms of the above said GO, but the same was rejected on 19-07-2007. Hence, the writ petitioners filed Writ Petition No.21202 of 2007. The case of the writ petitioners was that since they were in service till 01-04-2005, they were entitled to the benefits in terms of the aforementioned GO and the amounts paid to them at the time of their retrenchment from service should be revised.

Whether a person, who accepts certain amounts at the time of his retrenchment from service under a scheme, would be entitled to the benefits under G.O.Ms.No.213, dated 27-08-2005, which was, admittedly, issued after his retrenchment, or not would be a question, which will have to be decided when the Writ Petition is finally decided. But, the learned single Judge while deciding the interlocutory application being WPMP.No.27500 of 2007 observed as under:

> 'Admittedly, the petitioners were retrenched with effect from 10-04-2005, under the above said scheme. Therefore, they are also entitled for the benefits under the above said G.O. dated 27-08-2005.'

After making these observations, the learned single Judge directed the respondents-authorities to consider the effect of G.O.Ms.No.213, dated 27-08-2005, and pass appropriate orders within a specific period of time. Hence, the respondents-

authorities filed the present Appeal.

The learned Counsel for the respondents-authorities submits that when an observation was made by the learned single Judge that G.O.Ms.No.213, dated 27-08-2005, was applicable, the exercise of reconsideration was a mere formality and in fact the respondents-authorities will have to calculate the benefits and pay them to the writ petitioners in terms of the above said GO and the Writ Petition becomes redundant.

The learned counsel for the writ petitioners was also heard. He was not able to controvert the apprehensions of the learned Counsel for the respondents-authorities.

In these circumstances, we direct reconsideration of the matter by the respondents-authorities uninfluenced by any observations made by the learned single Judge.

The Writ Appeal is, accordingly, disposed of. No costs.

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(Bilal Nazki, A.C.J)

Dated 17th December, 2007

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(Ramesh Ranganathan, J)

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